



10-23-02

16448

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

LAHN et al.

Serial No.: 09/826,319

Filed: April 3, 2001

Atty. File No.: 2879-80

For: "METHOD TO INHIBIT AIRWAY
HYPERRESPONSIVENESS USING
AEROSOLIZED T CELL RECEPTOR
ANTIBODIES"

RESPONSE TO
SPECIES ELECTION REQUIREMENT

"EXPRESS MAIL" MAILING LABEL NUMBER: ev190614285us

DATE OF DEPOSIT: 10/21/02

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND
IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: KATHLEEN BUSSELL

SIGNATURE: *Kathleen Bussell*

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This response is filed in response to the Species Election Requirement having a mailing date of September 20, 2002. This response is believed to be timely and therefore, no fees are enclosed. In the event that fees are due in connection with this response, please debit Deposit Account No. 19-1970.

The Examiner has made a species election as follows:

For Claim 1:

- (a) antibodies that bind to $\alpha\beta$ TcR;
- (b) antibodies that bind to $\gamma\delta$ TcR;
- (c) antibodies that bind to $\alpha\beta$ TcR and $\gamma\delta$ TcR;
- (d) antibodies that bind to CD4;
- (e) antibodies that bind to CD8; or
- (f) antibodies that bind to CD3.

In addition, if species (b) is elected ($\gamma\delta$ TcR), the Examiner has requested an election from additional species from the V γ chains disclosed in Claim 4.

RECEIVED

OCT 25 2002

TECH CENTER 1600/2900

Applicants provisionally elect, without traverse, the **species (a) antibodies that bind to $\alpha\beta$ T cell receptors**. Applicants note that a species election requirement is primarily, if not solely, intended to facilitate a search by the Examiner. Applicants note that the Examiner is obligated to examine the generic claims and submits that the scope of the claims of the present invention is not limited to the elected species.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Angela Dallas
Angela K. Dallas
Registration No. 42,460
1560 Broadway, Suite 1200
Denver, CO 80202-5141
(303) 863-9700

Date: October 21, 2002